

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE
in its capacity as elected Office

Date of mailing (day/month/year) 27 June 2001 (27.06.01)	
International application No. PCT/NO00/00302	Applicant's or agent's file reference 103098TFM
International filing date (day/month/year) 15 September 2000 (15.09.00)	Priority date (day/month/year) 24 September 1999 (24.09.99)
Applicant STAVLAND, Arne et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
20 April 2001 (20.04.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Charlotte ENGER
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

BRYN & AARFLOT A/S

PCT 28 JAN. 2002

To:

BRYN & AARFLOT A/S
P.O. BOX 449 Sentrum
0104 Oslo 1
NORVEGE

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Rule 71.1)

Date of mailing
(day/month/year) 24.01.2002

Applicant's or agent's file reference
103098TFM

IMPORTANT NOTIFICATION

International application No.
PCT/NO00/00302

International filing date (day/month/year)
15/09/2000

Priority date (day/month/year)
24/09/1999

Applicant
PROCOM AS et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/



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D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
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Authorized officer

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

12

Applicant's or agent's file reference 103098TFM	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/NO00/00302	International filing date (day/month/year) 15/09/2000	Priority date (day/month/year) 24/09/1999
International Patent Classification (IPC) or national classification and IPC C09K7/06		
Applicant PROCOM AS et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 5 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 20/04/2001	Date of completion of this report 24.01.2002
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Puttins, U Telephone No. +49 89 2399 8661



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NO00/00302

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-18 as originally filed

Claims, No.:

1-30 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NO00/00302

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-30
Inventive step (IS)	Yes: Claims	
	No: Claims	1-30
Industrial applicability (IA)	Yes: Claims	1-30
	No: Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US-A-4248304
D2: US-A-3915920
D3: US-A-3997492
D4: US-A-4283507
D5: US-A-3284393
D6: US-A-3624019

Documents D1 to D6 independently disclose a composition comprising an aqueous gelant emulsified in oil (cf. D1, abstract; D2, abstract; D3, example 1; D4, abstract; D5, claims 1 and 3; D6 claim 1).

The compositions disclosed in documents D1 to D6 fall within the scope of the subject-matter of claim 1 of the present application. Therefore, the present application does not meet the requirements of Art.33(2) PCT, because the subject-matter of claim 1 is not new. This novelty objection appears to apply also to the dependent and independent claims 2 to 30.

The feature "for reducing water permeability more than oil permeability" found in claims 1 and 11 cannot alter this fact, because it tries to define the subject-matter in terms of the result to be achieved. In this instance the use of such a formulation renders the claims unclear and is not justified by the disclosed means of achieving the desired result. Claims 1 and 11 therefore also do not satisfy the requirements of Art.6 PCT; see also Guidelines C-III, 4.7. Moreover, the properties expressed by the above feature appear also to be inherent to the compositions disclosed in D1 to D6.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NO00/00302

Re Item VII

Certain defects in the international application

The reference to figures found at pages 4 and 9 appears to be obscure as there are no figures in the application documents as originally filed.

Re Item VIII

Certain observations on the international application

The presence of the wordings "usually" and "preferably" in present claims 2-8, 12-18 and 22-28 and the preferred embodiments that follows them has absolutely no limiting effect upon the scope of the claims. These preferred or exemplary embodiments could be made the subject of further dependent claims.